

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
DEVON CHRISTOPHER WENGER,
Defendant.

Case No. [23-cr-00268-JSW-2](#)

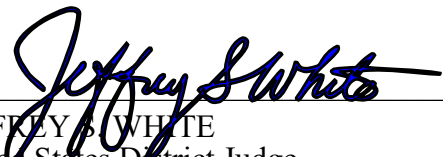
**ORDER REGARDING COURT'S
INTENDED VOIR DIRE**

Re: Dkt. No. 157

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: The Court HEREBY
ADVISES the parties of the Court's intended voir dire. The parties shall file any objections to the
Court's intended voir dire by March 26, 2025.

IT IS SO ORDERED.

Dated: March 19, 2025


JEFFREY S. WHITE
United States District Judge

STATEMENT OF THE CASE

The Court will read the Statement of the Case:

This is a criminal case brought by the United States government against defendant Devon Wenger. Defendant Wenger is charged with conspiring to distribute or possess with the intent to distribute anabolic steroids. Defendant Wenger is also charged with falsifying records. Specifically, the government alleges that Defendant Wenger took part in a conspiracy with Daniel Harris and others to distribute or possess with the intent to distribute anabolic steroids. The government further alleges that Defendant Wenger obstructed justice by deleting text message communications stored on his Apple iPhone 12 with the intent to impede an investigation within the jurisdiction of any department or agency of the United States.

These are only allegations. Defendant Wenger has denied the charges and pled not guilty. Defendant Wenger is presumed innocent of all charges. The United States government must prove each charge against Defendant Wenger beyond a reasonable doubt.

VOIR DIREKnowledge of Court, Parties, and Potential Witnesses

1. My name is Jeffrey White. My law clerks are Kristin Ring, Daisy Salzman, and Hayley Landman, and my Courtroom Deputy is Kelly Collins. I may also be assisted in trial by Courtroom Deputy Nicole Hall. Do any of you know me or any of my staff?

2. Do you know or are you familiar with Eric Cheng, Ajay Krishnamurthy, or Alethea Sargent, the attorneys representing the United States government in this case?

3. Do you know or are you familiar with Dena Young, the attorney representing defendant Devon Christopher Wenger in this case?

4. Do you know or are you familiar with any of the following individuals who may be witnesses in this case? [The Court will read and display the witness list]

1
2 5. Based on these names, the statement of the case, and any other information you
3 may possess, do you know anyone who may be involved in this case?
4

5 6. Do any of you recognize or know any other individuals in the jury panel?
6

7 Questions Regarding the Government and Judicial System

8 7. This is a prosecution brought by the United States federal government against the
9 defendant Devon Christopher Wenger. Do you have any positive or negative feelings or opinions
10 about the United States federal government, in general?

11 a. Do you believe those feelings or opinions will affect your ability to be a fair and
12 impartial juror in this case?
13

14 8. Have you ever testified in court?

15 a. Was the case criminal or civil?

16 b. In what capacity did you testify – as a witness, victim, defendant, expert, or other?

17 c. Is there anything about this experience that might affect your ability to be a fair and
18 impartial juror in this case?
19

20 9. Have you or any close friends or relatives been a victim of a crime? If yes,

21 a. What type of crime? (You may ask to approach the bench to answer this question if
22 you prefer.)

23 b. If reported to law enforcement, what agency?

24 c. Was anyone arrested and/or charged with a crime?

25 d. How did you feel law enforcement officers, prosecutors, defense attorneys, and the
26 courts handled the incident?
27

28 10. Do you have any feelings regarding the criminal justice system that might affect

1 your ability to consider the evidence in this case fairly and impartially, and to base your verdict
2 only on the evidence presented in this case?

3
4 11. Have any of you had any legal training?

5 a. Will you be able to put aside your legal training or personal views of the law and
6 apply the law as the Court instructs you?

7
8 Questions Regarding Law Enforcement

9 12. Have you, or any of your family or close friends, ever worked for, or in close
10 association with, any court of law; law enforcement agency; for any prosecutor's or criminal
11 defense office, including a district attorney's office, United States Attorney's Office; probation or
12 parole office; or a private criminal defense attorney's office? Or, have you had any training in law
13 enforcement?

14 a. If so, is there anything about this experience or association that would lead you to
15 find the testimony of a law enforcement officer more or less credible than that of
16 any other witness in this case?

17 b. If so, is there anything else about this prior experience or association that might
18 affect your ability to be a fair and impartial juror in this case?

19
20 13. Have you or any of your close friends or relatives ever been arrested, or charged or
21 convicted of any crime? (You may ask to approach the bench to answer this question if you
22 prefer.)

23 a. If so, has that experience caused you any feelings regarding law enforcement that
24 might make it difficult for you to be a fair and impartial juror in this case?

25
26 14. Do you have any positive or negative feelings about local law enforcement (*i.e.*, the
27 police)?

28 a. If you have positive or negative feelings about local law enforcement, please

1 describe the basis for those feelings, and if you believe they might affect your
2 ability to be fair and impartial.

3
4 15. Do you have any positive or negative feelings about federal law enforcement (e.g.,
5 the Federal Bureau of Investigation, or FBI)?

6 a. If you have positive or negative feelings about federal law enforcement, please
7 describe the basis for those feelings, and if you believe they might affect your
8 ability to be fair and impartial.

9
10 Additional Questions

11 16. Are you employed or otherwise involved in the physical fitness industry?

12
13 Duty as Jurors

14 17. The Court will instruct you on the law in this case. As a juror you must accept and
15 apply the law as it is explained to you by the Court, even if you believe the law should be
16 different. Does anyone believe that they will be unable follow this instruction?

17
18 18. The defendant is presumed innocent until proven guilty by the prosecution beyond
19 a reasonable doubt. Does the fact that the defendant has been charged with crimes and must now
20 stand trial affect your view now about whether or not the defendant is presumed innocent?

21 a. Does anyone think that simply because the defendant is here he must have done
22 something wrong?

23
24 19. The defendant in a criminal case has a Constitutional right not to testify or even put
25 on a defense. Would any of you hold it against the defendant if he did not testify or put on a
26 defense?

27
28 20. If after hearing all the evidence, you believe the prosecution has proved that the

1 defendant is guilty beyond a reasonable doubt, would you have any trouble voting to convict the
2 defendant?

3
4 Punishment and Sympathy

5 21. Do you have any personal reservations about sitting in judgment of any person and
6 returning a verdict?

7
8 22. Do you have any reservations about your ability to hear the evidence, deliberate
9 and return a fair and impartial verdict?

10
11 23. If the Court instructs you that your verdict must not be based on sympathy, passion,
12 or prejudice, but only on the evidence presented in this case and on the law as the Court instructs
13 you on it, will you be able to follow that instruction?

14
15 24. If you are selected as a juror in this case, will you be able to hear the evidence,
16 deliberate with your fellow jurors, and apply the law as the Court instructs you on it without
17 speculating about whatever punishment may or may not be imposed in this case?

18
19 25. Having heard all of the questions I have posed, and having heard the responses of
20 other panelists, can any of you think of any other reason as to why you could not sit on this jury
21 and render a fair verdict based on the evidence presented to you and in the context of the
22 instructions I will give to you on the law?

23
24 26. Do any of you have anything that you would like to bring to the Court's attention
25 (e.g., health problems, hearing problems, difficulty understanding English, personal bias, financial
26 problems, etc.) that you did not include in response to your jury questionnaire that might affect
27 your ability to be an effective, fair, and impartial juror in this case? (You may ask to approach the
28 bench to answer this question if you prefer.)